

LAW OFFICES OF ANDRÉ S. WOOTEN
Attorney and Counselor at Law

ANDRÉ S. WOOTEN 3887
Century Square, Suite 1909
1188 Bishop Street
Honolulu, Hawai'i 96813
Telephone: (808) 545-4165

Attorney for Plaintiff
ROBERT SHEREZ

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,	) CIVIL NO. 04-00390 JMS-KSC
)
Plaintiff,	) PLAINTIFF ROBERT SHEREZ EX PARTE
	) MOTION FOR ENLARGEMENT OF TIME
vs.	) TO FILE SUPPLEMENTAL
	) DECLARATIONS IN OPPOSITION TO THE
STATE OF HAWAII DEPARTMENT OF	) DEFENDANT'S MOTIONS FOR SUMMARY
EDUCATION; PATRICIA HAMAMOTO,	) JUDGMENT FILED DEC. 18, 2006;
Superintendent of Hawaii Schools,	) DECLARATION OF COUNSEL; ORDER
MEREDETH MAEDA, Principal, Castle)
High School; SARA GRONNER OR)
GRONNA, Vice Principal of Castle High	) Date of Hearing: February 12, 2007
School.	) Time: 9:00 AM
Defendants.	) Judge: Hon. J. MICHAEL SEABRIGHT
)
	) Trial Date: March 28, 2007
	) CERTIFICATE OF SERVICE

**PLAINTIFF ROBERT SHEREZ EX PARTE MOTION FOR ENLARGEMENT OF TIME
TO FILE SUPPLEMENTAL DECLARATIONS IN OPPOSITION TO THE
DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT FILED DEC. 18, 2006**

COMES NOW THE PLAINTIFF, ROBERT SHEREZ,, by and
through his attorney of record, ANDRE' S. WOOTEN, who hereby
submits the Plaintiff's Instant Ex Parte Motion for an
enlargement of time of 3 days for the court to accept and review

Supplemental Declarations of Counsel, Andre' Wooten, Dagmar Suzuki, Christine Ogawa and Robert Sherez. already filed in opposition to the Defendant State and Individual Defendants Motions for Summary Judgement and in support of Plaintiff's counter-motion.

While Plaintiff filed an Concise Counter-Statement in Opposition to the Defendant's Concise Statement of Facts and a Memorandum In Opposition and Counter Motion for Summary Judgment, the Plaintiff was hampered by more fully responding to the Motion filed December 18, 2006, by the Stipulation the parties entered and the court filed dismissing numerous counts, and the Order Dismissing the Motions to Dismiss due to lack of jurisdiction, also filed recently. Consequently, Plaintiff's counsel called to the court clerk to verify that the instant motion was still on the calendar and not dismissed by the prior order of dismissal and Stipulation for Dismissal. When the clerk verified that this motion had not been set aside by the prior orders, we filed a timely response. However, due to Mr. Sherez and my schedule we were not able to meet earlier to review and prepare relevant documents in opposition to Defendant's Concise Statement of facts. After meeting Thursday and filing the opposition, Mr. Sherez prevailed upon me to submit additional relevant documents along with the Declaration of Christina Ogawa, and his own to introduce those documents.

Hence Plaintiff requests that the court also consider the

Supplemental Declarations filed October 26, 2007 and October 27, 2007 along with Plaintiff's Memorandum in Opposition to Defendant's Motion for Summary Judgment filed December 18, 2007 in the interest of fairness also for reasons to be explained further in the attached Declaration. And of course Plaintiff stipulates to extra time for the Defendant's to respond to the Supplemental Declarations presented by Plaintiff in Opposition to the Defendant's Summary Judgment Motions.

This motion is filed pursuant to Rules 12, 56, 59 of the Federal rules of Civil Procedure and is supported by the attached Declaration of counsel the records and files of this case.

DATED: Honolulu, Hawaii, January 29, 2007.

/S/ Andre' S. Wooten
ANDRE' S. WOOTEN
Attorney for Plaintiff
ROBERT SHEREZ

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,	)	CIVIL NO.	04-00390 HG-KSC
)		
Plaintiff,	)	DECLARATION OF COUNSEL	
)		
vs.)		
)		
STATE OF HAWAII DEPARTMENT OF)		
EDUCATION; PATRICIA HAMAMOTO,)		
Superintendent of Hawaii)		
Schools, MEREDITH MAEDA,)		
Principal, Castle High School;)		
SARA GRONNER OR GRONNA, Vice)		
Principal of Castle High)		
School.)		
Defendants.)		

STATE OF HAWAII)		
	)	SS	
CITY AND COUNTY OF HONOLULU)		

DECLARATION OF COUNSEL

Andre' S. Wooten, being first duly sworn upon oath, and upon penalty of perjury deposes and says that:

1. Declarant is the attorney of record for the Plaintiff, and is familiar with the records and files of this case.

2. That Plaintiff's opposition to Defendant's December 18, 2006 filed Motions for Summary Judgment, due to some confusion by his counsel stemming from the January 19, 2007 order filed Dismissing Defendant's Motions to Dismiss based upon lack of Jurisdiction and the January 22, 2007 filed Stipulation of the parties dismissing numerous other causes of action.

3. Hence, Plaintiff's counsel thought for a while that those two orders disposed of all outstanding motions in Mr.

Sherez case. However to be sure, Declarant called the court room manager to verify whether this motion was still on the calendar, and when she called back and verified that it was still on the calendar, we did all that we could to file a timely and complete Opposition to the Defendant's Motions for Summary judgment, even though the memorandum was finally filed a few minutes after midnight.

4. However, due to Declarant's requirements for s Supreme Court brief to the Hawaii Supreme Court in Barbee vs. Queens Hospital, a medical malpractice case involving a million + jury verdict and a JNOV after trial that was due Jan. 16, 2007 (paper work from this case including over 7000 pages of medical records and weeks of transcript testimony seemingly exploded to take over my office), hearings on Maui Jan 17, 2007 and another Hawaii Supreme Court brief in Harrell vs. MRC, Inc, other hearings and briefs in several cases and Mr. Sherez sporatic part-time work schedule, we could not meet with Mr. Sherez to work on his declaration until January 25, 2006, at which time he wanted additional documents presented in his behalf, which we did not have time to prepare for filing at that time.

5. Wherefore, Plaintiff respectfully requests that the court grant Plaintiff a brief enlargement of time to accept and consider the Declarations and documents filed in Plaintiff's behalf on January 26, 2007 and January 27, 2007 due to counsel's reasonable misunderstanding, for good cause stated above.

FURTHER DECLARANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii, January 29, 2007.

/S/ Andre' S. Wooten
ANDRE' S. WOOTEN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,	)	CIVIL NO.	04-00390 HG-KSC
)		
Plaintiff,	)	ORDER	
)		
vs.)		
)		
STATE OF HAWAII DEPARTMENT OF)		
EDUCATION; PATRICIA HAMAMOTO,)		
Superintendent of Hawaii)		
Schools, MEREDETH MAEDA,)		
Principal, Castle High School;)		
SARA GRONNER OR GRONNA, Vice)		
Principal of Castle High)		
School.)		
Defendants.)		
_____)		

ORDER

THE PLAINTIFF, ROBERT SHEREZ, Ex Parte Motion For Enlargement of Time of 3 days for the court to accept and review Supplemental Declarations of Counsel, Andre' Wooten, Dagmar Suzuki, Christine Ogawa and Robert Sherez. already filed in opposition to the Defendant State and Individual Defendants Motions for Summary Judgement and in support of Plaintiff's counter-motion, filed on January 29, 2007, having come on for consideration, the court having considered the arguments therein advanced, grants the instant Ex Parte Motion.

IT IS HEREBY ORDERED THAT THE PLAINTIFF, ROBERT SHEREZ, Ex Parte Motion For Enlargement of Time of 3 days for the court to accept and review Supplemental Declarations of Counsel, Andre' Wooten, Dagmar Suzuki, Christine Ogawa and Robert Sherez. already filed in opposition to the Defendant State and Individual

Defendants Motions for Summary Judgement and in support of
Plaintiff's counter-motion, filed on January 29, 2007 is granted.

Dated: Honolulu, Hawaii, _____, 2007

APPROVED AND SO ORDERED

JUDGE OF THE ABOVE-ENTITLED COURT

ROBERT SHEREZ, vs. STATE OF HAWAII DEPARTMENT OF EDUCATION
CIVIL NO. 04-00390 HG-KSC ORDER